

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

PHILLIP GONZALES,

Plaintiff,

v.

STEPHENS, *et al.*,

Defendants.

Case No.: 1:21-cv-00652-BAM (PC)

ORDER DENYING *IN FORMA PAUPERIS*  
*APPLICATION* WITHOUT PREJUDICE  
(ECF No. 2)

ORDER TO SUBMIT PRISONER  
APPLICATION TO PROCEED *IN FORMA*  
*PAUPERIS* OR PAY FILING FEE WITHIN  
**THIRTY (30) DAYS**

Plaintiff Phillip Gonzales ("Plaintiff") is a state prisoner proceeding *pro se* in this civil rights action under 42 U.S.C. § 1983. Plaintiff initiated this action on April 19, 2021, (ECF No. 1), together with a motion to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915, (ECF No. 2).

Plaintiff's application to proceed *in forma pauperis* is incomplete. Although Plaintiff has signed the motion and completed the first page, Plaintiff has failed to complete the second page. In addition, the certified trust account statement attached to the application indicates that on April 9, 2021, the date the complaint was signed, Plaintiff withdrew \$400.00 from his inmate trust account.

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1 As the evidence before the Court of Plaintiff's assets is inconclusive, the Court will  
2 provide Plaintiff with an opportunity to clarify his financial condition and adequately demonstrate  
3 financial hardship. Specifically, Plaintiff should explain why he withdrew the \$400.00 on April  
4 9, 2021, which would have allowed him to pay the filing fee in full for this action. In addition,  
5 Plaintiff must complete all pages of the application for it to be considered. Plaintiff is not  
6 required to submit a new trust account statement.

7 Accordingly, IT IS HEREBY ORDERED as follows:

- 8 1. Plaintiff's motion to proceed *in forma pauperis* (ECF No. 2) is DENIED, without  
9 prejudice;
- 10 2. The Clerk of the Court is directed to serve this order and a blank *in forma pauperis*  
11 application for a prisoner on Plaintiff;
- 12 3. Within **thirty (30) days** from the date of service of this order, Plaintiff shall file  
13 the attached application to proceed *in forma pauperis*, completed and signed, or in the alternative,  
14 pay the \$402.00 filing fee for this action;
- 15 4. No extension of time will be granted without a showing of good cause; and
- 16 5. **Plaintiff is warned that the failure to comply with this order will result in**  
17 **dismissal of this action, without prejudice.**

18 IT IS SO ORDERED.  
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20 Dated: April 21, 2021

21 /s/ Barbara A. McAuliffe  
22 UNITED STATES MAGISTRATE JUDGE  
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